

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ABIGALE PFINGSTEN, *individually and on behalf of all others similarly situated,*)
v.)
CARNEGIE MELLON UNIVERSITY,)
Defendant.)
Plaintiff,)
Case No. 2:20-cv-00716
ELECTRONICALLY FILED
)

ANOKHY DESAI, *individually and on behalf of all others similarly situated,*)
v.)
CARNEGIE MELLON UNIVERSITY,)
Defendant.)
Plaintiff,)
)

CARNEGIE MELLON UNIVERSITY'S RESPONSE TO ORDER TO SHOW CAUSE

Defendant Carnegie Mellon University (“CMU”) does not oppose a stay in this matter pending the outcome of the appeals pending before the Third Circuit Court of Appeals in *Hickey v. University of Pittsburgh*, 535 F. Supp. 3d 372 (W.D. Pa. 2021) and *Ryan v. Temple University*, 535 F. Supp. 3d 356 (E.D. Pa. 2021) for the reasons set forth in the Court’s March 22, 2022 Order to Show Cause. CMU does not dispute that there are unique facts in each of these refund class action cases, including unique express contractual terms and policies that are fatal to Plaintiffs’ claims in this case. The Third Circuit’s rulings in *Pitt* and *Temple*, however, will be controlling on this Court and will address threshold legal questions, including whether plaintiffs under

Pennsylvania law may articulate implied-in-fact contract claims absent allegations of a specific and identifiable promise. Therefore, in the interest of efficiency and to avoid inconsistent outcomes, CMU does not oppose a stay in this action.

Respectfully submitted,

/s/ Jeffrey M. Weimer _____

Daniel I. Booker
PA I.D. No. 10319
Catherine S. Ryan
PA I.D. No. 78603
Jeffrey M. Weimer
PA I.D. No. 208409

REED SMITH LLP
225 Fifth Avenue, Suite 1200
Pittsburgh, Pennsylvania 15222

Counsel for Defendant

Dated: March 28, 2021

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 28, 2022 the foregoing *Response to Order to Show Cause* was filed electronically with the Court. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system, and the parties may access this filing through the Court's system.

/s/ Jeffrey M. Weimer

Attorney for Defendant